

Notice of Allowability

Application No.

10/001,317

Examiner

Christian P. Chace

Applicant(s)

KOWALCHIK ET AL.

Art Unit

2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant-initiated telephone interview 4/4/05.
2. ☒ The allowed claim(s) is/are 1-23,25,30,32,34-37,39-42,44,46 and 48.
3. ☒ The drawings filed on 23 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Huang (#39,229) on 4 April 2005.

The application has been amended as follows:

With respect to independent claim 1, insert --;-- following "data" in line 16.

Beginning at lines 17, insert:

--the cache storage providing, as an initial caching capacity of the cache storage, a first cache storage size; and

the cache storage providing, as a subsequent caching capacity of the cache storage, a second cache storage size in response to addition of a new disk to the cache storage, the second cache storage size being larger than the first cache storage size.—

With respect to independent claim 14, delete "and" in line 12. Insert --;-- after "request" in line 17. Beginning at line 18, insert:

--where the cache storage provides, as an initial caching capacity of the cache storage, a first cache storage size; and where the method further comprises:

adding a new disk to the cache storage to provide, as a subsequent caching capacity of the cache storage, a second cache storage size, the second cache storage size being larger than the first cache storage size.—

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With respect to independent claim 23, delete “and” in line 19. Insert --;-- after “data” in line 23. Beginning at line 24, insert:

--the cache storage providing, as an initial caching capacity of the cache storage, a first cache storage size; and

the cache storage providing, as a subsequent caching capacity of the cache storage, a second cache storage size in response to addition of a new disk to the cache storage, the second cache storage size being larger than the first cache storage size.—

With respect to independent claim 32, in line 21, insert --;-- after “caches.” Beginning at line 22, insert:

-- the cache manager being configured to receive a write request to store data and, in response to the write request, split that data into data portions and separately store the data portions on respective disks of the cache storage;

the cache manager further being configured to receive a read request to read the data and, in response to the read request, concurrently read the data portions which are separately stored on the respective disks of the cache storage to retrieve the data;

the cache storage providing, as an initial caching capacity of the cache storage, a second cache storage size in response to addition of a new disk to the cache storage, the second cache storage size being larger than the first cache storage size.—

With respect to claim 42, replace “38” with –32—in line 1.

Cancel claim 43.

With respect to claim 44, replace “43” with –1—in line 1.

Cancel claim 45.

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With respect to claim 46, replace "45" with -14—in line 1.

Cancel claim 47.

With respect to claim 48, replace "47" with -23—in line 1.

Cancel claims 49-50.


Allowable Subject Matter

Claims 1-23, 25, 30, 32, 34-37, 39-42, 44, 46, and 48, now renumbered 1-13, 17-25, 28, 14, 29, 32, 33-36, 15, 26, 30, 37, 16, 27, and 31, respectively, are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian P. Chace whose telephone number is 571.272.4190. The examiner can normally be reached on MAXI FLEX.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 571.272.4201. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Christian P. Chace
Primary Examiner
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